

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Henry Oliver	Team: Squad #13	CCRB Case #: 201900369	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 01/13/2019 1:00 AM	Location of Incident: [REDACTED]	Precinct: 110	18 Mo. SOL 7/13/2020	EO SOL 2/27/2021	
Date/Time CV Reported Mon, 01/14/2019 2:04 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/14/2019 2:04 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. DTS Brian Timmons	01717	907446	110 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Ferry Oscar	13025	966250	110 PCT
2. LT Jose Briceno	00000	934556	110 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Brian Timmons	Force: Detective Brian Timmons used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B. Officers	Force: Officers used physical force against § 87(2)(b) [REDACTED]	[REDACTED]

### Case Summary

On January 14, 2019, § 87(2)(b) called the CCRB and filed this complaint.

On January 13, 2019, at approximately 1:00 a.m., § 87(2)(b) was stopped for urinating in public by Police Officer Ferry Oscar and Detective Brian Timmons, both of the 110<sup>th</sup> Precinct, and was taken back to the § 87(2)(b) in Queens. While fingerprinting § 87(2)(b) Det. Timmons allegedly slammed § 87(2)(b) hands on the fingerprinting machine (**Allegation A: Force;** § 87(2)(g)). During his fingerprinting, two unknown officers in plainclothes allegedly pinched § 87(2)(b) neck and poked him in his back, causing pain (**Allegation B: Force;** § 87(2)(g)). § 87(2)(b) requested medical attention and was transported to § 87(2)(b).

§ 87(2)(b) was arrested for public urination and for an active warrant for his arrest. The Office of Court Administration has no record of or disposition for this arrest (BR01).

Body-worn cameras (“BWC”) captured § 87(2)(b) initial arrest, but not his interactions with officers at the stationhouse.

### Findings and Recommendations

#### **Allegation (A) Force: Detective Brian Timmons used physical force against § 87(2)(b)**

It is undisputed that § 87(2)(b) was stopped by Det. Timmons and PO Oscar for urinating in public, that § 87(2)(b) was arrested when it was discovered that he had an active warrant for his arrest, and that he was transported to the § 87(2)(b) for arrest processing.

§ 87(2)(b) stated that upon arriving to the § 87(2)(b) he was placed in a holding cell. Det. Timmons and two unknown white male officers in plainclothes, PO2 and PO3, removed § 87(2)(b) from the holding cell, and walked him to the fingerprinting machine directly across from the cell (BR 02). § 87(2)(b) was calm and never refused to be fingerprinted. However, Det. Timmons repeatedly and forcefully slammed § 87(2)(b) hands down on the machine causing pain to his hands.

Det. Timmons stated that when he removed § 87(2)(b) from his holding cell, § 87(2)(b) requested medical attention regarding a prior injury from an unrelated accident (BR 03). Det. Timmons told § 87(2)(b) that after § 87(2)(b) was fingerprinted, he would request Emergency Medical Services (EMS) to the stationhouse. Only Det. Timmons and PO Oscar were present as Det. Timmons fingerprinted § 87(2)(b) who was compliant during the process. Upon EMS’ arrival, § 87(2)(b) began screaming that he was “beat up by officers.” Det. Timmons could not recall if § 87(2)(b) specified which officers allegedly used force against him. Det. Timmons denied slamming § 87(2)(b) hands on the fingerprinting machine, and denied using any force against § 87(2)(b) during the incident.

§ 87(2)(g) PO Oscar denied witnessing Det. Timmons use any force against § 87(2)(b) during the incident.

Threat, Resistance, and Injury Report (TRI) # § 87(2)(b), prepared by PO Oscar, states that no force was used against § 87(2)(b) and that § 87(2)(b) original complaint was regarding pain from a prior shoulder injury (BR 05). Upon EMS’ arrival, § 87(2)(b) alleged that an unspecified officer assaulted him. The TRI also states that upon being interviewed by Lieutenant

Joseph Leone of the 110<sup>th</sup> Precinct, § 87(2)(b) said “nothing happened,” and that he wanted to go to the hospital. EMS did not document any visible injuries on § 87(2)(b)

The Investigating Supervisor’s Assessment Report (ISAR) for the abovementioned TRI, prepared by Lieutenant Leone states that § 87(2)(b) alleged that PO Oscar grabbed his arms, causing pain to his arms and to his back due to a pre-existing back injury (BR 06). § 87(2)(b) was taken to § 87(2)(b) Hospital for the alleged injuries. § 87(2)(b) made no mention of pain or injury to his arms when providing his statement to the CCRB, only to his hands and back (analyzed below).]

§ 87(2)(b) medical records from § 87(2)(b) Center describe § 87(2)(b) as having acute alcohol intoxication and no visible injuries upon his arrival (BR 07). § 87(2)(b) was discharged and prescribed over the counter pain medication for lower back pain after examinations revealed § 87(2)(b) had not sustained any internal injuries.

§ 87(2)(b), § 87(2)(g)

**Allegation (B) Force: Officers used physical force against § 87(2)(b)**

§ 87(2)(b) said that as he was being fingerprinted, PO2 repeatedly pinched him hard on his shoulders and on the back of his neck, and PO3 pressed a finger into § 87(2)(b) back, just below his rib cage, causing him pain. § 87(2)(b) screamed out in pain and asked PO2 and PO3 why they were hurting him, but PO2 and PO3 did not respond. Once the fingerprinting was complete, § 87(2)(b) was returned to his holding cell, where he immediately requested medical attention for the pain to his neck and back.

§ 87(2)(b) said that the above interaction with PO2 and PO3 was the only interaction he had with these officers. § 87(2)(b) described PO2 as a white male in plainclothes, standing 5’6” tall, with a beard and black hair. § 87(2)(b) described PO3 as a white male in plainclothes, standing 6’0” tall, with a beard and black hair. Det. Timmons said PO Oscar was the only other officer present while § 87(2)(b) was fingerprinted. PO Oscar could not recall any other officers assisting Det. Timmons in fingerprinting § 87(2)(b)

The TRI and the ISAR prepared for this incident do not identify any additional officers present. The January 13, 2019, tour one Command Log from the 110<sup>th</sup> Precinct does not note any arrests conducted by plainclothes units, and does not note any entries from officers that match § 87(2)(b) description of the subject officer (BR 08). The January 13, 2019 tour one Interrupted Patrol Log from the 110<sup>th</sup> Precinct does not note any officers matching § 87(2)(b) description of the subject officers as present inside the stationhouse while § 87(2)(b) was present (BR 09).

§ 87(2)(b), § 87(2)(g)

## Civilian and Officer CCRB Histories

- [illegible]

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.

- According to the Office of Court Administration (OCA), between March 31, 1984 and January 13, 2019, § 87(2)(b) was § 87(2)(b) of § 87(2)(b) § 87(2)(b) § 87(2)(b) resisting arrest (three times), § 87(2)(b) consumption of alcohol in public (once), public urination (twice), criminal trespass (once) § 87(2)(b) OCA does not list any other convictions (BR 11).
- A Notice of Claim inquiry was submitted to the New York City Office of the Comptroller. Its results will be added to the casefile upon receipt (12).

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_

Signature	Print Title & Name	Date
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Squad Leader: \_\_\_\_\_

Signature	Print Title & Name	Date
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Reviewer: \_\_\_\_\_

Signature	Print Title & Name	Date
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